

REMARKS

In the present case, the Examiner has issued a first Office Action related to filed claims 1-43. On review of the file for this case, the undersigned noted that a preliminary amendment for this application had been intended and prepared, but apparently through oversight was never filed. Thus, the pending claims are precisely those that were filed and granted in a parent case.

The above reflects the amendments to the claims that were intended to have been made prior to a first Office Action on the merits. Specifically, claims 1-43 (which have issued in a parent case) are cancelled, and new claims 44-62 are being presented. These amendments are not being made to overcome the initial rejections in the first Office Action, and no concession is being made as to the propriety of those rejections. Rather, the amendments herein are made to place this application in the condition it should have been in prior to the Office Action.

The subject matter of new claims 44-62 is found throughout the specification and drawings. In particular, attention is directed to FIG. 7 showing an embodiment of an assembly having the features recited in the claims, and the text associated with it. Other drawings, such as FIGS. 2, 3C, 6A, and 6B, and their associated text show aspects of the new claims as well. No new matter has been added.

So as to be as efficient and as complete as possible, the following comments are made concerning U.S. Patent No. 4,946,458 to Harms, U.S. Patent No. 6,565,567 to Haider, and U.S. Patent No. 6,090,111 to Nichols, which were discussed in the pending Office Action. The Office Action proposes that items 48 and 49 constitute a "receiver member" that defines a "groove," as seen in its mark-up of Figure 4 of the Harms reference. However, items 48 and 49 are "fastening screws" that thread along threaded rod 39 to squeeze a clamp. See Harms reference, column 5, lines 8-16. Further, there is no "groove" defined by the "fastening screws." What the Office

Action considers a “groove” is in reality the underside of a screw head. Even if item 27 of the Harms reference were to be compared to the “receiver member” recited in independent claims 44, 53 and 59, it is clear that that structure does not include an interior groove or a groove around a “lower opening portion.” Dependent claims 45-52, 54-58 and 60-62 are also not anticipated by Harms, by virtue of their dependence and/or on their own merit.

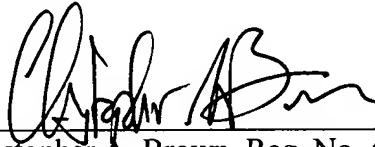
The amendment to the specification noted above merely identifies the parent cases to which this application claims priority. As noted above, this amendment to the specification was intended to have been filed earlier, but inadvertently was not. After receiving the present Office Action and reviewing the file, the undersigned noted that no filing receipt had been received. A copy of the filing receipt was requested from the PTO, and was recently received. The filing receipt identified U.S. Application Serial No. 09/940,902 (now U.S. Patent No. 6,660,004) as a parent case. The amendment to the specification noted above is believed to be proper because a priority claim was noted in the filing receipt, and thus the benefit of the prior applications should be granted and the amendment entered.

If the Examiner believes that entering the amendment to the specification and granting the benefit of the filing dates of one or both parent applications is inappropriate, then it is respectfully requested that the Examiner consider this paper a petition under 37 C.F.R. §1.78(a)(3). The reference to the prior applications required by 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2) is submitted above. Any surcharge required pursuant to 37 C.F.R. §1.17(t) is authorized to be charged to Deposit Account 23-3030. Additionally, the undersigned attorney of record states that the entire delay between the date the claim for benefit was due under 37 C.F.R. §1.78(a)(2)(ii) and the date the claim for benefit was filed was unintentional. As discussed above, the claim was intended to have been filed with a preliminary amendment, and it was

discovered that the claim had not been filed when the present file was reviewed in connection with preparing a response to the present Office Action. Thus, it is believed that the present amendment of the specification and claim to benefit is proper, either because it had been previously made, or on the basis of the facts noted above.

Entry of the above amendments and allowance of this application with pending claims 44-62 are respectfully requested. In addition, the Examiner is invited to contact the undersigned attorney by telephone if there are any questions about this Response or other issues that may be resolved in that fashion.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Christopher A. Brown', is written over a horizontal line.

Christopher A. Brown, Reg. No. 41,642
Woodard, Emhardt, Moriarty,
McNett & Henry LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

4002-3460:391980